

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

STUART R. HARROW,
Petitioner

v.

DEPARTMENT OF DEFENSE,
Respondent

2022-2254

Petition for review of the Merit Systems Protection
Board in No. PH-0752-13-3305-I-1.

SUA SPONTE

PER CURIAM.

O R D E R

Upon consideration of the judgment and mandate of the Supreme Court of the United States in *Stuart R. Harros v. Department of Defense*, No. 23-21 vacating and remanding to this court for further proceedings consistent with the opinion of the Supreme Court,

IT IS ORDERED THAT:

(1) The mandate of this court issued April 24, 2023, is recalled, the appeal is reinstated, and this court's February 14, 2023, order in Case No. 22-2254 is vacated.

(2) The parties are directed to address the issue of untimeliness of the appeal in their briefs.

(3) Appellant's opening brief is due no later than 60 days from the date of entry of this order, the response brief is due 40 days after service of the opening brief, any reply brief is due 21 days after service of the response brief. The appendix is due 7 days after the filing of the reply brief, or at the time the reply brief is due.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

June 21, 2024
Date